

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions and listings of claims in the application:

LISTING OF CLAIMS:

1. (currently amended): A non-aqueous electrolyte secondary battery comprising:
a negative electrode with a composite layer containing a negative active material;
a positive electrode; and
a non-aqueous electrolyte;
characterized in that
said negative active material is an alloy containing 5 to 25 mass% of nickel and 75 to 95 mass% of tin, ~~and~~
said alloy contains Sn_4Ni_3 phase and Sn phase, and
the content ratio of said Sn_4Ni_3 phase and said Sn phase in said alloy is $0.2 \leq Z \leq 3$ when m_1 is the mass of said Sn_4Ni_3 phase, m_2 is the mass of said Sn phase, and $Z = m_1 / m_2$.

2. (canceled).

3. (currently amended): The non-aqueous electrolyte secondary battery according to claim 1-~~or claim 2~~, characterized in that said composite layer contains carbon material.

4. (currently amended): The non-aqueous electrolyte secondary battery according to claim 1-~~or claim 2~~, characterized in that
said composite layer contains carbon material, and

when n_1 is the mass of said alloy, n_2 is the mass of said carbon material, and $S = n_1 / n_2$, S falls within the range of $0.05 \leq S \leq 3.5$.

5. (currently amended): The non-aqueous electrolyte secondary battery according to claim 1-~~or claim 2~~, characterized in that

in said composite layer, powdered negative active material is used, and the porosity of said composite layer is 30 to 75 %.

6. (original): The non-aqueous electrolyte secondary battery according to claim 3, characterized in that

in said composite layer, powdered negative active material is used, and the porosity of said composite layer is 30 to 75 %.

7. (original): The non-aqueous electrolyte secondary battery according to claim 4, characterized in that

in said composite layer, powdered negative active material is used, and the porosity of said composite layer is 30 to 75 %.

8. (currently amended): The non-aqueous electrolyte secondary battery according to claim 1-~~or claim 2~~, characterized in that

the apparent density of said negative electrode is 2.5 to 8.3 g/cm³.

9. (original): The non-aqueous electrolyte secondary battery according to claim 3,
characterized in that

the apparent density of said negative electrode is 2.5 to 8.3 g/cm³.

10. (original): The non-aqueous electrolyte secondary battery according to claim 4,
characterized in that

the apparent density of said negative electrode is 2.5 to 8.3 g/cm³.

11. (currently amended): A non-aqueous electrolyte secondary battery comprising:
a negative electrode with a composite layer containing a negative active material;
a positive electrode; and
a non-aqueous electrolyte;

characterized in that

said negative active material is an alloy containing 5 to 25 mass% of nickel and 75 to 95
mass% of tin,

said alloy contains Sn₄Ni₃ phase and Sn phase, and

said alloy comprises Sn having a peak lying in a range of 30.5° ≤ 2θ ≤ 30.8° in X-ray
diffraction obtained with CuKα₁ radiation, and

the content ratio of said Sn₄Ni₃ phase and said Sn phase in said alloy is 0.2 ≤ Z ≤ 3 when
m₁ is the mass of said Sn₄Ni₃ phase, m₂ is the mass of said Sn phase, and Z = m₁ / m₂.